

1 Mark A. Feller (SBN 319789)
2 mark.feller@morganlewis.com
3 **MORGAN, LEWIS & BOCKIUS, LLP**
4 One Market, Spear Street Tower
5 San Francisco, CA 94105-1596
6 Tel: 415.442.1000

7 Melissa Hill (*pro hac vice*)
8 melissa.hill@morganlewis.com
9 **MORGAN, LEWIS & BOCKIUS, LLP**
10 101 Park Avenue
11 New York, NY 10178
12 Tel: 212.309.6000

13 Sean K. McMahan (*pro hac vice*)
14 sean.mcmahan@morganlewis.com
15 **MORGAN, LEWIS & BOCKIUS, LLP**
16 1717 Main Street, Suite 3200
17 Dallas, TX 75201-7347
18 Tel: 214.466.4000

19 Jared R. Killeen (*pro hac vice*)
20 jared.killeen@morganlewis.com
21 **MORGAN, LEWIS & BOCKIUS, LLP**
22 2222 Market Street
23 Philadelphia, PA 19103
24 Tel: 215.963.5000

25 *Attorneys for Defendants X Corp., f/k/a*
26 *Twitter, Inc.; X Holdings; Elon Musk; and*
27 *Does*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COURTNEY MCMILLIAN and RONALD
COOPER,

Plaintiffs,

v.

X CORP., f/k/a/ TWITTER, INC.,
X HOLDINGS, ELON MUSK, Does,

Defendants.

Case No. 3:23-cv-03461-TLT

**DEFENDANTS' UNOPPOSED
MOTION TO ENLARGE TIME TO
RESPOND TO NON-PARTY
INTERVENER JACOB SILVERMAN'S
MOTION TO INTERVENE**

Judge: Trina L. Thompson
Magistrate Judge: Robert M. Illman

Pursuant to Civil Local Rule 6-3, Defendants X Corp., X Holdings Corp., and Elon Musk (together “Defendants”) respectfully move to enlarge their time to respond to non-party putative intervener Jacob Silverman’s (“Mr. Silverman”) Motion to Intervene and Oppose Sealing Judicial Records (“Motion to Intervene”) (Dkt. No. 96) and to continue by two weeks the hearing date set for that Motion. Defendants have conferred with Mr. Silverman, who does not oppose the relief requested.

I. PROCEDURAL BACKGROUND

On June 26, 2024, Defendants filed a Supplemental Corporate Disclosure Statement, listing all shareholders that have an ownership interest in the privately held corporation and named Defendant X Holdings Corp. Dkt. No. 96. Because Defendants maintain that the identities of these owners constitute private and confidential business information that is not publicly available and whose disclosure would result in injury, Defendants filed an Unopposed Administrative Motion to File Under Seal the Supplemental Corporate Disclosure Statement. *Id.* To date, the Court has not issued an order regarding Defendants’ Unopposed Administrative Motion to File Under Seal.

On July 9, 2024, Mr. Silverman filed his Motion to Intervene, opposing Defendants’ motion to seal their Supplemental Corporate Disclosure Statement. Dkt. No. 96. The Court set Defendants’ deadline to respond to the Motion to Intervene for July 23, 2024, and Mr. Silverman’s deadline to file a reply for July 30, 2024. *Id.* The Court set a hearing on the Motion to Intervene for September 17, 2024. *Id.*

II. THE COURT SHOULD ENLARGE THE TIME FOR THE PARTIES TO FILE THEIR RESPONSES AND CONTINUE THE HEARING DATE

Defendants ask the Court to enlarge Defendants’ time to file their response to the Motion to Intervene. Specifically, Defendants ask that the Court (i) enlarge their deadline to respond to the Motion to Intervene by seven days from July 23 to July 30, and (ii) enlarge Mr. Silverman’s deadline to reply by seven days from July 30 to August 6. Enlarging the schedule as requested will provide Defendants’ counsel with the additional time needed to respond to the Motion to Intervene while enabling them to attend to deadlines and obligations scheduled in other matters. *See* Declaration of Melissa D. Hill (“Hill Decl.”) at ¶ 4. Given Defendants’ strong interest in

1 maintaining the confidentiality of the sensitive and private business information at issue, they will
 2 be substantially prejudiced should the Court not enlarge the time as requested. *Id.* Defendants
 3 conferred with Mr. Silverman, and he does not oppose the requested enlargement of time. *Id.* at
 4 ¶ 6.

5 Defendants also ask the Court to briefly continue the hearing date for the Motion to
 6 Intervene from September 17 to October 1 (or, if the Court prefers, to October 8). Melissa D. Hill
 7 is lead counsel for Defendants, has represented Defendants at all previous hearings in this matter,
 8 and intends to represent Defendants at the hearing on the Motion to Intervene. Hill Decl. at ¶ 5.
 9 However, Ms. Hill will be traveling outside of the country in September, and will be unable to
 10 attend the hearing as currently set on September 17. *Id.* Given Ms. Hill's unique knowledge of
 11 the issues in this case and her involvement in previous hearings representing Defendants,
 12 Defendants will be substantially prejudiced if Ms. Hill is unable to attend the hearing on the Motion
 13 to Intervene. *Id.* Defendants conferred with Mr. Silverman, and he does not oppose the requested
 14 continuance of the hearing date. *Id.* at ¶ 6.

15 Defendants have not previously sought any enlargement of time in relation to
 16 Mr. Silverman's putative intervention in this case or Defendants' Unopposed Administrative
 17 Motion to File Under Seal the Supplemental Corporate Disclosure Statement. Defendants and/or
 18 Plaintiffs have previously stipulated to or requested modification of the case schedule on five
 19 occasions: (1) on September 27, 2023, Plaintiffs sought relief from the Case Management Calendar
 20 (Dkt. No. 11); (2) on October 27, 2023, the parties sought relief from the Case Management
 21 Calendar (Dkt. No. 16); (3) on December 7, 2023, the parties stipulated to an order changing time
 22 for the briefing schedule for Plaintiffs' Motion for Notice of Action (Dkt. No. 25); (4) on February
 23 16, 2024, the parties stipulated to an order changing time for the briefing schedule for Plaintiffs'
 24 Administrative Motion to Consider Whether Another Party's Material Should Be Sealed (Dkt. No.
 25 48); and (5) on March 25, 2024, the parties stipulated to an order changing time for the briefing
 26 schedule for Defendants' Motion to Stay Discovery (Dkt. No. 62).

27 The requested enlargement of time and continuance of the hearing date will have no effect
 28 on the schedule in this case, particularly because on July 9 the Court dismissed Plaintiffs' Amended

1 Complaint, thereby resolving ECF Nos. 38 and 47, and rendering moot ECF Nos. 24, 67, 79, and
2 83.

3 **III. CONCLUSION**

4 For the reasons set forth above, and as further explained in the Declaration of Melissa D.
5 Hill, Defendants respectfully ask the Court to (i) enlarge their deadline to respond to the Motion to
6 Intervene from July 23, 2024, to July 30, 2024; (ii) enlarge Mr. Silverman's deadline to reply from
7 July 30, 2024, to August 6, 2024; and (iii) briefly continue the hearing date for the Motion to
8 Intervene from September 17, 2024, to October 1, 2024 (or, if the Court prefers, to October 8,
9 2024).

10 Dated: July 10, 2024

MORGAN, LEWIS & BOCKIUS LLP

11 By /s/ Melissa Hill

12 Melissa Hill (pro hac vice)
13 Sean McMahan (pro hac vice)
14 Jared R. Killeen (pro hac vice)
15 Mark A. Feller

16 Attorneys for Defendants
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